99TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
99-771

PROVIDING FOR THE CONVEYANCE OF CERTAIN PUBLIC LANDS IN OCONTO AND MARINETTE COUNTIES, WISCONSIN

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AUGUST 8, 1986.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. UDALL, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H.R. 4062]

[Including the cost estimate of the Congressional Budget Office]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 4062) to provide for the conveyance of certain public lands in Oconto and Marinette Counties, Wisconsin, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

This bill would authorize the Secretary of the Interior to convey any portion of the lands covered by the bill to any citizen of the United States who claims and demonstrates possession thereof.

BACKGROUND AND NEED

The lands covered by the bill amount to approximately 200 acres in all. These are lands which were inadvertently omitted from conveyances or other transfers of land out of federal ownership because of surveying errors in the 19th century.

According to information provided to the Committee, resurvey of relevant survey lines was undertaken in 1982 at the request of interested landowners. The new survey was approved in 1985. The omitted lands (determined to be a "hiatus" in the original survey) have been encroached upon and occupied.

The bill provides that the conveyance authority granted by the bill could be used only if the Secretary has determined (1) that a

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particular conveyance is in the public interest and will serve objectives which outweigh public objectives and values which would be served by the lands in Federal ownership; and (2) that no other statutory authority exists for the Secretary to provide appropriate relief.

Conveyances under the bill would be in return for payments which the Secretary would determine by a process of appraisal to determine fair market value, with deduction of the value of improvements or developments by the claimant and with any further discount the Secretary determines to be equitable, based on the amount (if any) a claimant originally paid for the lands and any taxes that have been paid on the land by the claimant.

The Secretary would be required to "initiate action to implement" the bill within 120 days of its enactment.

According to the Department of the Interior, about 20 percent of the land affected by this bill is wooded. The remainder is used for agricultural and residential use. Crops include corn, oats, and other grain. Barbed wire fences are located on the lands. Electric transmission lines, an underground pipeline, electric distribution and telephone lines and private access roads and driveways cross the hiatus. No rights-of-way have been issued by the Bureau of Land Management.

Section 203 of the Federal Land Policy and Management Act provides a procedure whereby the lands may be sold at fair market value. However, the Administration believes the use of section 203 could result in many of the parcels being left unsold because of their location.

The Bureau of Land Management (BLM) has made a preliminary review of comparable areas, which indicates that land values range from $150 to $500 per acre. BLM has spent over $25,000 in surveying, conducting briefings and researching status and title data, and estimates that about $50,000 would be required if the lands were to be sold in accordance with section 203 of the Federal Land Policy and Management Act. Even then, BLM is not guaranteed that all tracts would sell, and could be burdened with the management of some lots that are 50 to 100 feet wide and 1,000 feet long.

After consideration of the additional costs that might be involved, the land management problems, and the public interest to be served, the Committee believes that H.R. 4062 is the most efficient, equitable and expedient solution to an expensive and continuing land management problem. The provisions for payment for the land, with adjustments to reflect equitable consideration, is consistent with other Acts of Congress.

SECTION-BY-SECTION ANALYSIS

Section 1 authorizes the conveyance of the lands affected by the bill.

Subsection (a) authorizes the Secretary of the Interior to convey any portion of the lands described in subsection (b) to any citizen of the United States who claims and demonstrates possession of such portion.

Subsection (b) provides a legal description of the lands covered by the bill, amounting to about 200 acres in all.

Subsection (c) provides that no conveyance may be made under authority of the bill until the Secretary has determined that such conveyance is in the public interest and will serve objectives which outweigh public objectives and values which would be served by retaining the lands in Federal ownership, and that no other statutory authority exists "whereby the Secretary may afford the appropriate relief." The reference to "appropriate relief" means a conveyance on a basis determined by application of section 2 of this bill.

Section 2 establishes the procedure for conveyance of the affected lands.

Subsection (a) provides for the Secretary's determining the price of a parcel of land to be conveyed under the bill through a process of appraisal followed by deductions and discounts to reflect improvements made by the claimant, the amount originally paid for the parcel, and any taxes that have been paid with respect to the parcel.

Subsection (b) provides that land conveyed under the bill is to be described according to the rectangular system of survey as reflected on the relevant Federal plat. It also provides that in appropriate cases the Secretary may convey a tract to a trustee acting on behalf of more than one claimant, who shall thereafter convey the appropriate interests to the respective claimants.

Section 3 requires the Secretary to initiate action to implement the bill no later than 120 days after its enactment.

OVERSIGHT STATEMENT

The Committee on Interior and Insular Affairs will have continuing responsibility for implementation of H.R. 4062 after its enactment. No reports and recommendations were received by the Committee pursuant to Rule X, clause 2(b)(2) of the Rules of the House of Representatives.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(b)(2) of Rule XI of the Rules of the House of Representatives, the Committee finds that enactment of H.R. 4062 will have no inflationary impact on the national economy.

COST AND BUDGET ACT COMPLIANCE

In the opinion of the Committee, enactment of H.R. 4062 will result only in costs reasonable for the benefits derived. The estimate of the Congressional Budget Office follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 7, 1986.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs, U.S. House of Representatives, 1324 Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 4062, a bill to provide for the conveyance of certain public lands in Oconto and Marinette Counties, Wisconsin, as or-

dered reported by the House Committee on Interior and Insular Affairs on August 6, 1986.

H.R. 4062 would authorize the Secretary of the Interior to sell approximately 200 acres of public land to private citizens who currently occupy the land. Based on information obtained from the Bureau of Land Management, CBO estimates that the federal government would realize receipts from the sale of approximately $10,000 in fiscal year 1987.

Enactment of this bill would not affect the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

RUDOLPH G. PENNER, *Director.*

LEGISLATIVE HISTORY AND COMMITTEE RECOMMENDATION

H.R. 4062 was introduced by Representative Roth on January 28, 1986, and on July 31, 1986, the Subcommittee on Public Lands held a hearing on the bill. On August 5, the Subcommittee favorably referred the bill to the full Committee and on August 6, 1986, the Committee on Interior and Insular Affairs favorably reported the bill, without amendment, to the House by a voice vote.

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